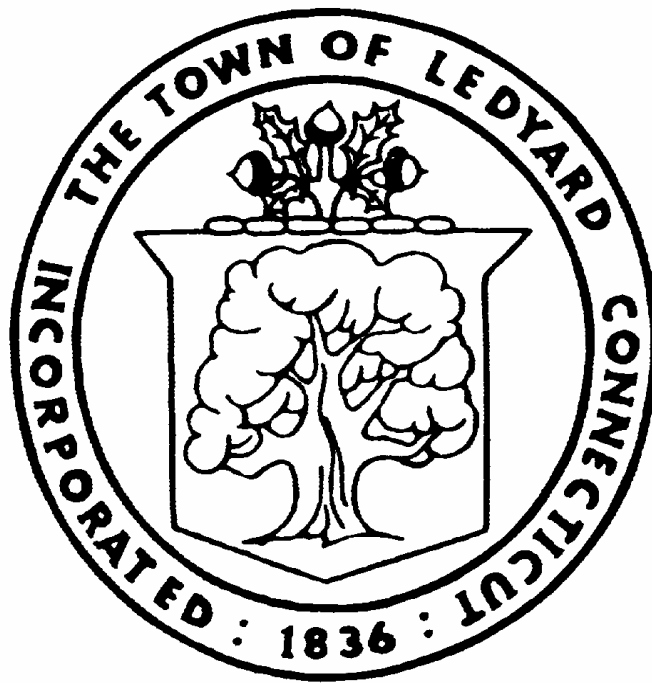


# Town of Ledyard



## CHARTER

*Incorporating Revisions through November 2009  
Effective December 3, 2009*

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# **TOWN OF LEDYARD**

## **CHARTER**

*WE, THE ELECTORS OF THE TOWN OF LEDYARD, PURSUANT  
TO THE PROVISIONS OF CHAPTER 99 OF THE GENERAL  
STATUTES, AS AMENDED, DO APPROVE THIS CHARTER FOR  
THE TOWN OF LEDYARD*

*November 3, 2009*

# **CHAPTER I: INCORPORATION AND POWERS**

## **SECTION 1. INCORPORATION**

All the inhabitants dwelling within the territorial limits of the Town of Ledyard, as heretofore constituted, shall continue to be a body politic and corporate under the name “The Town of Ledyard”, hereinafter called “the Town” and as such shall have perpetual succession, and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the laws of the State of Connecticut.

## **SECTION 2. RIGHTS AND OBLIGATIONS**

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien. Any contract that has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking that has been given by or in favor of the Town, which contains provisions that the same be enforced by any commission, board, department, or officer therein named, but abolished by the provisions of this Charter, shall continue in force and effect and the rights and power conferred and the duties imposed with reference to the same except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said Town.

## **SECTION 3. GENERAL GRANT OF POWERS**

In addition to all powers granted to towns under the Constitution and General Statutes, and those contained in the General Statutes, as amended, and special acts, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and under Chapter I all the powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any Federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

## **SECTION 4. GENDER**

Any reference to gender shall mean male or female regardless of said reference.

## **SECTION 5. REFERENCES**

All references to the Connecticut General Statutes will be considered to refer to the statutes as amended at the current time.

## **CHAPTER II: ELECTIONS AND ELECTED OFFICIALS**

### **SECTION 1. GENERAL**

Nomination and election of Federal and State officers, including registrars of voters and of such elective municipal officers, boards and commissions as are provided for in this Charter shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed in the constitution and general laws of the State of Connecticut.

### **SECTION 2. REGULAR TOWN ELECTIONS**

A meeting of the electors of the Town of Ledyard for the election of municipal officers shall be held on the Tuesday following the first Monday of November of the odd-numbered years. All officials duly elected at such regular Town elections, upon qualification, shall take office on the first Monday in December following their election and they shall hold office until their successors have been elected and qualified. Except as otherwise provided in this Charter, all elective Town offices, boards, and commissions shall have the powers and duties prescribed by law.

### **SECTION 3. ELECTIVE OFFICERS**

At the first regular Town election following ratification of this Charter there shall be elected at large in accordance with the General Statutes for a term of two years, nine (9) members of the Town Council and nine (9) members of the Board of Education. The electors should be permitted to vote for up to nine (9) candidates for the Town Council and up to nine (9) candidates for the Board of Education. There shall also be elected a Mayor for a term of four (4) years.

### **SECTION 4. REGISTRARS OF VOTERS & JUSTICES OF THE PEACE**

The nomination and election of the registrars of voters and justices of the peace shall be conducted in the manner prescribed in the Constitution and general laws of the State of Connecticut.

### **SECTION 5. BOARD OF EDUCATION**

The Board of Education shall have such powers and duties as are or may be imposed or vested by the General Statutes upon boards of education in the several towns, which statutes shall prevail over any provisions of this Charter in event of conflict.

Six (6) members shall constitute a quorum, but no resolution, or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes.



## **SECTION 6. BOARD FOR ADMISSION OF ELECTORS**

As provided in the General Statutes, the Town Clerk and the two (2) registrars of voters shall comprise the membership of the Board for Admission of Electors. The Board shall hold sessions for the admission of voters and perform such other functions as provided in the General Statutes, as amended.

## **SECTION 7. MINORITY REPRESENTATION**

Minority representation on all elective or appointive boards, commissions, committees or similar bodies, shall apply and be determined in accordance with the provisions of Section 9-167a of the General Statutes.

The maximum number of members of the Town Council and Board of Education who may be members of the same political party shall be six. In the case of election to the Town Council or Board of Education, winners shall be determined as follows:

The Town Clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives: When the number of members of any one political party who would be elected without regard to this section exceeds six, only the six candidates of such political party with the highest number of votes shall be elected and the names of the remaining candidates of such political party shall be stricken from the list. The next highest-ranking candidate shall be elected up to the number of places to be filled at such election. At such time as the minority representation provisions of this selection become applicable, vacancies thereafter occurring shall be filled by appointment of a member of same political party as that of the vacating member.

For the purposes of this section, a person shall be deemed to be a member of the political party on whose enrollment list his name appears on the date of nomination as a candidate for election provided any person who has applied for erasure or transfer of his name from an enrollment list shall be considered a member of the party from whose list he has so applied for erasure or transfer for a period of six months from the date of filing of such application and provided further any person whose candidacy for election to an office is solely as the candidate of a party other than the party with which he is enrolled shall be deemed to be a member of the party of which he is such candidate.

## **SECTION 8. VOTING DISTRICTS**

There shall be two (2) voting districts as the same existed on the effective date of this Charter, and the number of voting districts shall not be increased, nor the boundaries altered except by ordinance of the Town Council.

Voting district lines shall not be drawn so as to conflict with the lines of congressional districts, senate districts, or assembly districts as established by law.

No change in the boundaries of voting districts shall be made within ninety (90) days prior to an election. Polling places shall be provided and elections conducted as provided in and in accordance with the General Statutes.

#### **SECTION 9. BREAKING A TIE**

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of the General Statutes to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates or issues.

Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballot may be used in place of or in conjunction with voting machines.

#### **SECTION 10. VACANCIES**

Any vacancy in any elective Town office, from whatever cause arising, shall, except as otherwise provided in the General Statutes, be filled by appointment by the Town Council for the period until the next regular Town election. If there shall be a regular Town election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term. In filling any vacancy, the Town Council shall select a person of the same political party as that of the former office holder. If such former office holder was elected as an independent or minority party candidate, his successor shall be a member of the political party in which said former office holder was enrolled, or in the case the former office holder was not enrolled in a political party, the vacancy shall be filled by an elector not enrolled in a political party.

Vacancies on the Board of Education shall be filled in accordance with the provisions of the General Statutes.

#### **SECTION 11. ELIGIBILITY**

No person shall be eligible for election or appointment to fill a vacancy in an elective Town office who is not at the time of his election or appointment an elector of said Town, and any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town. An individual shall not be eligible to hold elective Town office while holding a State or Federal elective office.

**SECTION 12. INDEPENDENT AND MINORITY PARTY CANDIDATES**

No name of any candidate shall be printed on any official ballot at any election, except the name of a candidate nominated by a major or minor party, unless a nominating petition for such candidate, with his party designation, is filed with the Secretary of the State as provided in the General Statutes.

## **CHAPTER III: THE TOWN COUNCIL**

### **SECTION 1. THE TOWN COUNCIL**

There shall be a Town Council consisting of nine (9) members, the members of which shall serve without compensation except for the reimbursement of actual expenses incurred in the performance of official duties.

No member of the Town Council shall, during his term of office, except as provided in Section 2 of this chapter, hold or accept any position, office or employment under the government of the Town of Ledyard or any political subdivision thereof which is filled by appointment by the Mayor, Town Council, or any board or commission created by ordinance, Charter, or statute. No person holding any elected office under this Charter or provisions of any ordinance or of the General Statutes shall, except as provided in Section 2 of this chapter, be a member of the Town Council during his continuance in such office.

### **SECTION 2. ORGANIZATION**

With the Mayor presiding, the Town Council shall hold an organizational meeting at eight o'clock on the first Monday of December of the odd-numbered years, and shall elect one of its members to be chairman of said Town Council to preside at all meetings, but such office shall not deprive such chairman of his vote on any question.

The Chairman shall also be the Deputy Mayor, and in the absence, death, disability, or resignation of the Mayor, shall become acting Mayor with the powers and duties of the office of Mayor until such time as the Town Council, pursuant to Chapter II, Section 10, appoints a replacement Mayor to serve until the next regular biennial election.

While serving as acting Mayor, the Deputy Mayor shall retain his vote as Town Councilor. Should the Deputy Mayor or other Town Council member be appointed by the Town Council to assume the powers and duties of the Mayor until the next biennial election, he shall resign from the Town Council, and the Town Council shall fill the vacancy for the remainder of the Town Councilor's term.

### **SECTION 3. PROCEDURE**

At the first meeting of the Town Council following each biennial Town election, said Town Council shall by resolution fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall by resolution determine its own rules of procedure. Such rules shall include a reasonable amount of time to be allotted at the beginning of each regular Town Council meeting for hearing residents and

property owners of the Town. All meetings of the Town Council for the transaction of business shall be open to the public and the votes shall be recorded as prescribed by the General Statutes. Six (6) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes. The Town Council and its authorized committees and subcommittees shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. The record so kept shall be authenticated for each meeting by the signature of the chairman and filed with the Town Clerk.

#### **SECTION 4. GENERAL POWERS AND DUTIES**

The Town Council shall have the powers and duties which, on the effective date of this Charter were conferred by law upon officers, boards, and commissions existing immediately prior to such date, except as otherwise specifically provided in this Charter. The legislative power of the Town shall be vested exclusively in the Town Council, except as otherwise specifically provided in this Charter.

Said Town Council shall have the power to enact, amend, or repeal ordinances, not inconsistent with this Charter or the General Statutes, and to create or abolish, by ordinance not inconsistent with this Charter or the General Statutes, boards, commissions, departments, and offices. The Town Council may, upon recommendation of the Mayor, contract for services and use of facilities of the United States or any Federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement, join with any such political subdivision to provide services and facilities. In such cases as the Town may grant monetary support to any group for the purpose of assisting them to render an essential Town service, it shall establish in writing the conditions of such grant.

The Town Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules, or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the State of Connecticut, or any portion thereof, by reference thereto in such ordinances. Upon adoption of any such ordinances wherein such code, rules, or regulations or portions hereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules, or regulations in the office of the Town Clerk for examination by the public.

Such Town Council may by ordinance regulate the internal operation of boards, commissions, and offices which it fills by appointment, and shall fix the compensation and conditions of employment of all officers and employees not in the classified service as hereinafter provided in Chapter VIII, Section 2. Said Town Council shall also fix the compensation and may fix the conditions of employment (not in conflict with the General Statutes) of the Registrars of Voters. Said Town Council may fix the charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I, Section 3 of this Charter.

## **SECTION 5. PUBLIC HEARING ON, PUBLICATION OF, AND PASSAGE OF ORDINANCES**

At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having circulation in said Town and by posting a notice in a public place, shall be held by the Town Council before any ordinance shall be passed. Every ordinance, after passage, shall be filed with the Town Clerk and recorded, compiled, and published by him as required by law. Within ten (10) days after final passage, a summary of the ordinance(s) shall be prepared by the Town Clerk in consultation with the Town Attorney and published in a newspaper having circulation within the Town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after such publication following its final passage.

## **SECTION 6. POWER OF INITIATIVE**

The electors of the Town shall have the power to propose ordinances to the Town Council as well as to petition for a Town meeting for the transaction of business proper to come before such meeting. Such powers shall be initiated by petition, filed by any elector of the Town with the Town Clerk, and, except as provided herein, shall conform to the requirements of the General Statutes. Said petition shall contain the full text of the proposed ordinance or the question to be presented at a Town meeting, and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least ten (10) percent of the electors registered at the last regular Town election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in the General Statutes. The Town Clerk shall, within five (5) days after receipt of the last page of said petition within the time provided herein, determine whether the petition and affidavits contain the required number of valid signatures and certify said petition to the Town Council. If the Town Council fails to adopt an ordinance so proposed within thirty (30) days after a petition making such a proposal shall have been certified to the Town Council as provided herein, the electors may adopt or reject the same at a referendum called by the Town Council and held within ninety (90) days after such proposed ordinance has been certified to the Town Council. A majority vote of the electors to adopt the proposed ordinance shall not become effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted. Said ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the Town Council within three years except by a vote of the electors. In the case of a petition for the call of a Town Meeting, the Town Council, at their next regular meeting, shall set a date for such Town Meeting, which meeting shall be no sooner than thirty (30) days but in no event longer than forty-five (45) days from that regular meeting of the Town Council. A majority vote of the qualified electors present and voting thereon shall be sufficient to decide any question at a Town meeting called in accordance with this

section. Petitions which present practically the same question, in the judgment of the Town Council, as previously rejected, shall not be entertained within a period of less than one year.

## **SECTION 7. POWER OF REFERENDUM**

The electors of the Town shall have the power to approve or reject at referendum as herein provided any ordinance adopted by the Town Council, except an emergency ordinance adopted in accordance with the provisions of Section 8 of this chapter.

Ordinances submitted to the Town Council by initiative petition as provided in Section 6 of this chapter and adopted by the Town Council shall be subject to a referendum in the same manner as other ordinances. Within twenty (20) days after the publication of any ordinance as provided in Section 5 of this chapter, which ordinance may be subject to referendum as provided herein, a petition requesting that such ordinance be either repealed or submitted to a vote of the electors may be filed by any elector of the Town with the Town Clerk. Any such petition shall conform to the requirements of the General Statutes, except as provided herein. Said petition shall contain the full text of the ordinance to be repealed or submitted to referendum and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least fifteen (15) percent of the electors registered at the last regular Town election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in the General Statutes. The Town Clerk shall, within five (5) days after receipt of the last page of said petition within the time provided herein, determine whether the petition and affidavits contain the required number of valid signatures and certify said petition to the Town Council. Upon the filing of such petition with the Town Clerk, the effective date of such ordinance shall be postponed, if necessary, to the certification by said Clerk that the petition is not sufficient or to the certification of the result of such referendum.

If the Town Council fails to repeal such ordinance, the question of repeal thereof shall be submitted to the electors at a referendum called by the Town Council and held within sixty (60) days after the petition for referendum has been certified to the Town Council.

A majority vote of the electors to repeal such ordinance shall not become effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted.

### **A. FORM OF PETITION FOR INITIATIVE OR REFERENDUM**

The petition for initiative or referendum shall be in the following form:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL  
We, the undersigned electors of the Town of Ledyard, hereby present this petition under the provisions of Chapter III, Sections 6 & 7 of the Charter of said Town, (here insert the words "initiating the following ordinance", or "initiating a Town meeting for a vote on the

following question”, or “requesting the repeal of the following ordinance”, here insert the text of the ordinance or question to be presented to the Town meeting) and we certify that we are electors of the Town of Ledyard, residing at the address set opposite our names and that we have not signed this petition more than once.

**B. FORM OF AFFIDAVIT OF CIRCULATORS TO ACCOMPANY ALL PETITIONS**

Each page of such petition for Initiative or Referendum shall contain a statement, signed under penalties of perjury, by the person who circulated the same, as follows:

State of Connecticut )  
County of New London ) ss Ledyard (Month Day Year)

I (circulator’s name and address), being duly sworn, depose and say that each person whose name appears on this page signed the same in my presence, that I either know each such signer or that the signer satisfactorily identified himself to me, and that all signatures on this page were obtained not earlier than six months prior to the filing of this petition.

Signed

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Commissioner of Superior Court  
Justice of the Peace  
Notary Public

**SECTION 8. EMERGENCY ORDINANCES**

An emergency ordinance shall be only for the immediate preservation of the public peace, health, and safety; shall contain an explicit statement of the nature of the emergency; shall be adopted by not less than five (5) affirmative votes in the Town Council; and shall become effective immediately after publication thereof as required in Section 5 of this chapter. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty first (61st) day following final passage of said ordinance.

**SECTION 9. INVESTIGATION**

The Town Council shall have power to investigate any and all offices and agencies of the Town and for such purposes shall have the power to call witnesses to appear before the Town Council to testify on any matter under investigation. The Chairman, or chairman pro-tempore, upon authorization of the Town Council, shall have the power, for the purpose of such investigation, to issue subpoenas, and, at his request, any judge of the Superior Court may compel the appearance of witnesses and the production of books, records, and papers.



## **SECTION 10. RELATIONS TO THE ADMINISTRATIVE SERVICE**

Neither the Town Council nor any of its members shall direct the appointment of any person to any office or employment, or direct the removal of any person from any office or employment which office or employment, by the provisions of this Charter, the Mayor or any of his appointees are solely empowered to fill by appointment, provided the Mayor may seek advice from the Town Council regarding appointments, and provided further the Town Council may prefer charges in writing against any officer or employee appointed by the Mayor. The Town Council and its members shall deal with the aforementioned personnel through the Mayor, and neither the Town Council nor any member thereof shall give orders to any of the subordinates of the Mayor either publicly or privately. Any Town Councilor willfully violating the provisions of this section, shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and shall cease to be a Town Councilor. Nothing contained in this section shall, however, be construed as prohibiting the Town Council or its sub-committees from having access to public records or from requesting information from any agency, department, committee, board, or commission or requesting the presence of any employee before the Town Council for the purpose of obtaining such information as the Town Council may consider necessary to perform its function. Additionally, the Town Clerk when acting in the capacity as the Clerk of the Town Council, pursuant to Chapter VI, Section 2 of this Charter, shall be exempt from the restrictions contained in this section.

## **SECTION 11. ANNUAL AUDIT**

The Town Council shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town in accordance with the provisions of the General Statutes.

## **SECTION 12. APPROVAL OF ORDINANCES AND APPROPRIATIONS BY THE MAYOR**

Every ordinance, except an emergency ordinance or an ordinance relating to the Town Council or its procedures, shall, before it becomes effective, be certified to the Mayor for his approval within seven (7) days of the final passage by the Town Council. The Mayor shall sign the proposed ordinance, if he approves it, whereupon, subject to the provisions of Section 5 of this Chapter, it shall become effective. If he disapproves a proposed ordinance, he shall, within five (5) days of its receipt by him, return it to the clerk of the Town Council with a statement of the reasons for his disapproval, which statement shall be transmitted by said clerk to the Town Council at its next meeting.

If the Town Council shall pass the proposed ordinance by an affirmative vote of at least six (6) members within fourteen (14) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective without his approval subject to said Section 5. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without his approval subject to said Section 5. The Mayor may disapprove or reduce any item or items in any appropriation, whereupon the approved portion of the appropriation shall become effective unless the disapproved or reduced portion thereof is passed by the Town Council over the Mayor's veto in the manner herein provided in which case the entire appropriation shall become effective as finally passed.

### **SECTION 13. TOWN MEETINGS**

The Town Council may at its discretion require any proposal it may deem of sufficient importance to be submitted to those entitled to vote by law at an annual or special Town Meeting called for such purpose, and such proposal shall become effective only after it has been approved by a majority of those voting at such meeting.

### **SECTION 14. ITEM FOR A VOTE ON VOTING MACHINE**

Any item on the call of any Town Meeting, including the annual Town Meeting, may, if the Town Council deems it advisable, be submitted to a vote on the voting machines in the same manner as outlined in Chapter VII, Section 9D and, if approved by a majority of those voting hereon, shall be deemed to be a vote of the Town Meeting.

**CHAPTER IV:**  
**OFFICERS, BOARDS; AND COMMISSIONS APPOINTED BY THE**  
**TOWN COUNCIL**

**SECTION 1. TOWN TREASURER**

The Town Council shall by resolution no later than one (1) month after its organizational meeting appoint a Treasurer to serve for a two year term, from the first Monday of January of the even numbered years or until his successor is qualified. The Town Treasurer shall have all powers and duties conferred or imposed by law, shall be the agent of the Town deposit fund, and shall have such other powers and duties prescribed by the Town Council and provided by this Charter.

If a vacancy occurs in said office, from whatever cause arising, it shall be filled by appointment by the Town Council for the unexpired portion of the term of said office.

The Treasurer shall receive such compensation and shall have such assistants as the Town Council may determine. The Treasurer shall designate, subject to the approval of the Town Council, a Deputy Treasurer who, in the absence or inability of the Treasurer to act, may assume the duties of the Treasurer as assigned by the Town Council.

**SECTION 2 FIRE MARSHAL**

The Town Council shall appoint a fire marshal and deputy fire marshal(s) as may be necessary, who shall have all the powers and duties of a fire marshal or deputy fire marshal as provided in the General Statutes. The Fire Marshal and Deputy Fire Marshal(s) shall be certified in accordance with the General Statutes.

**SECTION 3. PLANNING COMMISSION**

There shall be a Planning Commission consisting of five (5) members and three (3) alternates.

The Town Council shall fill vacancies on the Planning Commission from whatever cause arising, in the manner, for the terms, and with all the powers and duties, not inconsistent with this Charter, as prescribed in the General Statutes.

**SECTION 4. ZONING COMMISSION**

The Town Council, shall, by ordinance, appoint a Zoning Commission consisting of five (5) members and three (3) alternate members, for the terms and with all the powers and duties, not inconsistent with this Charter, as prescribed in the General Statutes of the State of Connecticut. The Town Council, at its discretion, may designate,

by ordinance, that the duties of the Zoning Commission may be discharged by the Planning Commission.

The Zoning Commission, shall advise the Mayor, regarding the appointment and removal of a Zoning Official, who shall be charged with the implementation and enforcement of the policies and regulations of the Zoning Commission.

#### **SECTION 5. INLAND WETLANDS AND WATERCOURSES COMMISSION**

The Town Council shall, by ordinance, appoint an Inland Wetlands and Watercourses Commission for the terms and with all the powers and duties, not inconsistent with this Charter, as prescribed in the General Statutes of the State of Connecticut.

The Inland Wetlands and Watercourses Commission, shall advise the Mayor, regarding the appointment and removal of a Wetlands Enforcement Official. The Wetlands Enforcement Official shall be charged with the implementation and enforcement of the policies of the Inland Wetlands and Watercourses Commission and those duties as may be prescribed in the Connecticut General Statutes.

#### **SECTION 6. BUILDING CODE BOARD OF APPEALS**

A Building Code Board of Appeals shall be appointed in accordance with the provisions of the State Building Code. Such board shall consist of five (5) members, all of whom shall meet the qualifications in the State Building Code. A member of the Building Code Board of Appeals of the Town of Ledyard may also be a member of the board of appeals of another municipality; a member of the board of appeals of another municipality may also be a member of the Board of Appeals of the Town of Ledyard.

The Board of Appeals shall have such powers and duties as prescribed by the General Statutes, and the State Building Code.

#### **SECTION 7. BOARD OF ASSESSMENT APPEALS**

The Board of Assessment Appeals shall continue to have such powers and duties as are or may be imposed or vested by the General Statutes, upon boards of assessment appeals.

There shall be three (3) members of the Board of Assessment Appeals. During any assessment year in which a revaluation becomes effective, or during which appeals from revaluation are heard, there shall be two (2) additional members of the Board of Assessment Appeals, appointed for a term of one year.

Thereafter, the Town Council shall fill vacancies on the Board of Assessment Appeals

from whatever cause arising, in the manner, for the terms, and with all the powers and duties, not inconsistent with this Charter, as prescribed by the General Statutes or by ordinance adopted pursuant to this Charter.

#### **SECTION 8. OTHER OFFICES, BOARDS AND COMMISSIONS**

Except as otherwise provided for in this Charter, the Town Council may appoint members to fill vacancies in other offices, boards, and commissions established by this Charter and by ordinance as vacancies may occur, and appointing members to such offices, boards, and commissions as may be created in the future. Such appointments shall be made by the Town Council for such terms and upon such conditions as provided in the respective ordinance.

#### **SECTION 9. APPOINTMENTS AND REMOVALS**

In making appointments and removals, the Town Council shall act by the affirmative votes of at least a majority of all its members.

All members of boards, commissions, and committees contained in this Charter, or subsequently created under this Charter, except members of the Building Code Board of Appeals, the Fire Marshal, and the Deputy Fire Marshal(s), shall be electors of the Town at the time of their appointment and during their terms of office.

Except as otherwise provided in this Charter, the Town Council may remove for improper performance of his duties, for malfeasance or misfeasance in office, or for other proper cause, any officer, any member of any board, commission, committee, or any employee appointed by it, provided the officer, member, or employee shall have been served with a written notice of intention of the Town Council to remove him, containing a clear statement of the grounds for such removal, and of the time and place not less than ten (10) days nor more than thirty (30) days after the service of such notice at which he shall be given an opportunity to be heard thereon.

After such hearing, which shall be public at the option of the officer, member, or employee and at which he may be represented by counsel, the action of the Town Council shall be final.

## **CHAPTER V: THE MAYOR**

### **SECTION 1. ELECTION AND QUALIFICATION**

At the Town election on the first Tuesday following the first Monday in November 1971, and at the Town election every four years thereafter, a Mayor shall be elected by the electors of the Town. Such Mayor shall serve for a term of four (4) years and until his successor shall be elected and qualified and shall take office on the first Monday in December following the Town election.

He shall be the chief executive officer of the Town of Ledyard and shall receive such compensation as shall be fixed by the Town Council.

### **SECTION 2. DUTIES**

The Mayor shall be directly responsible for the administration of all departments, agencies, and offices; and shall be in charge of persons or boards appointed by him and shall supervise and direct the same.

He shall see that all laws and ordinances governing the Town are faithfully executed; shall make periodic reports to the Town Council and shall, when feasible, attend its meetings; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year an annual Town report; shall recommend to the Town Council such measures as he may deem necessary or expedient; shall keep the Town Council fully advised as to the financial condition of the Town; shall prepare and submit to the Town Council an annual budget as provided in Chapter VII of this Charter; and shall exercise such powers and duties as may be authorized by ordinance or resolution of the Town Council not inconsistent with this Charter.

The Mayor shall prepare and present to the Town Council such information as the Town Council or Town Council subcommittees may deem necessary for the proper conduct of business. The Town Council shall not diminish by ordinance, vote, or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on him by the Town Council under the provisions of this section.

The Mayor shall be the contracting and hiring authority of the Town subject to the provisions of this Charter and with the exception of positions under the jurisdiction of the Town Council. The Mayor shall sign all permit applications initiated by the Town, or concerning Town-owned land.

**SECTION 3. APPOINTMENTS AND TERMS**

The Mayor shall appoint department heads and officers and employees of the Town, as specifically provided by this Charter, except employees in the offices of elected officers or boards, and officers and boards appointed by the Town Council.

The terms of all appointees, other than those in the classified service, shall terminate on the same date as the term of the Mayor except such appointees may continue to serve until their successors are appointed and qualified.

In lieu of any appointment by the Mayor or any of his appointees to any office under his jurisdiction, the Mayor may, subject to the approval of the Town Council, perform the duties of any office under his jurisdiction.

## **CHAPTER VI:**

### **OFFICERS, DEPARTMENTS, AND BOARDS APPOINTED BY THE MAYOR**

#### **SECTION 1. TOWN ATTORNEY**

The Mayor shall, with the approval of the Town Council, appoint a Town Attorney. The Mayor may, with the approval of a two-thirds (2/3) majority of the Town Council, remove the Town Attorney.

The Town Attorney shall be an attorney-at-law admitted to practice law in the State. He shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its department, officers, agencies, boards, or commissions.

He shall be the legal advisor of the Town Council, the Mayor, and all Town officers, boards and commissions in all matters affecting the Town and shall, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. He shall have power, with approval of the Town Council, to appeal from orders, decisions, and judgments and, subject to the approval of the Town Council, to compromise or settle any claims by or against the Town.

The Town Attorney shall receive compensation as fixed by the Town Council.

If in special circumstances or for any investigation under Chapter III, Section 9, the Town Council deems it advisable, it may provide by resolution for the temporary employment of counsel other than the Town Attorney.

#### **SECTION 2. TOWN CLERK**

The Mayor shall, with the approval of the Town Council, appoint a Town Clerk. The Mayor may, with the approval of a two-thirds (2/3) majority of the Town Council, remove the Town Clerk.

The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks who may act as clerk of the Town Council, and who shall have such other powers and duties as are prescribed in this Charter or by the Town Council. He shall receive compensation as fixed by the Town Council, and all fees collected by him shall be paid into the Town treasury.



### **SECTION 3. ADMINISTRATIVE DEPARTMENTS**

There shall be the following administrative departments: finance, public works, land use and planning, public safety, public health, social services, nursing services, and such other administrative departments as may from time to time be created by ordinance by the Town Council.

Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance of said Town Council.

### **SECTION 4. DEPARTMENT OF FINANCE**

The Department of Finance shall be responsible for the keeping of accounts and financial records; the assessment and collection of taxes, special assessments, and other revenues; the custody and disbursement of Town funds and money; the control over expenditures; and such other powers and duties as may be required by ordinance or resolution of the Town Council.

Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the Town. Forms for such accounts shall be prescribed by the Mayor with majority approval of the Town Council.

Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor and/or the Town Council.

#### **A. The Director of Finance**

Except as provided in Chapter V, Section 3, of this Charter, the Mayor shall appoint and may remove a Director of Finance who shall have direct supervision over the Department of Finance and the administration of the financial affairs of the Town.

Subject to the approval of the Mayor, the Director of Finance may perform the duties of any office under his supervision and may consolidate one or more such offices under one person.

**B. The Tax Collector and Assessor** shall have the powers and duties imposed by law on such offices.

**C. The Purchasing Agent** of the Town shall purchase all supplies, materials, equipment, and other commodities required by any department, agency, board, or commission of the Town, except the Board of Education, on requisitions signed by the head of the department, office, or agency, or chairman of the board or commission, or responsible representative appointed by him.

Nothing herein contained shall be construed to prevent the Town Purchasing Agent from serving as the purchasing agent for the Board of Education upon the request of the Chairman of the Board and with the approval of the Director of Finance.

Purchases shall be made under such rules and regulations as may be established by ordinance by the Town Council. If any purchase or contract for purchasing, including continuing an order or contract for the purchase of the same commodity for twelve months involves an expenditure greater than the amount established by the Town Council in the purchasing ordinance, the Purchasing Agent, unless it shall be determined by the Town Council for Town purchases, or the Board of Education for Board of Education purchases, to be against the best interests of the Town, shall invite sealed bids or proposals, giving ten (10) days public notice thereof by publication at least once in a newspaper having circulation in the Town, and shall let the purchase or contract to the bidder representing the best value to the Town of Ledyard or may reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly.

#### **SECTION 5. DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works shall have supervision and control of the maintenance of all Town-owned structures, except such structures as are under the control of the Board of Education and other commissions, when such commissions are created by ordinance of the Town Council, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspection of highways, sidewalks and curbs, public and private drains, and other public improvements, Town buildings, and the preservation, care and removal of trees within highways or public places, all engineering work of the Town, and the collection and disposal of garbage, rubbish and trash.

The Department of Public Works shall have such other powers and duties as the Town Council may prescribe. Any provision of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for school buildings and grounds, and other commissions' facilities, but only if, to the extent, and for the period requested by the Board of Education or other commissions, and approved by the Town Council, provided the costs are charged against the Board of Education's or other commissions' appropriations, but in any case only against the appropriations of that body making the request.

##### **A. The Director of Public Works**

Except as provided in Chapter V, Section 3, of this Charter, the Mayor shall appoint and may remove a Director of Public Works who shall be responsible for the efficiency, discipline, and good conduct of the Department.

He shall exercise his powers and discharge his duties under the supervision of the Mayor. He shall organize the work of the Department in such manner as he shall deem most economical and efficient.

He shall be the Tree Warden and shall have all the powers and duties thereof as provided in the General Statutes.

## **SECTION 6. DEPARTMENT OF LAND USE AND PLANNING**

The Department of Land Use and Planning shall consist of the Chief Building Code Official, the Zoning Official, the Wetlands Enforcement Official, the Town Planner, and the Economic Development Coordinator. The Mayor shall be the Director of Land Use and Planning until such time as he appoints another to the position of Director of Land Use and Planning.

### **A. CHIEF BUILDING CODE OFFICIAL**

The Mayor shall appoint an officer, to be known as the Chief Building Code Official, to administer the State building code for a period of four years and until his successor qualifies and quadrennially thereafter shall so appoint a successor.

The Town of Ledyard may combine with one or more other communities in the appointment of a chief building code official for the purpose of enforcing the provisions of the State building code in the same manner.

### **B. ZONING OFFICIAL**

The Zoning Official shall have the duty of assisting and advising the Mayor, the Town Council, the Zoning Commission, and the Zoning Board of Appeals on land-use matters and State laws, the comprehensive plan of zoning regulations, and perform such other duties as the Mayor may prescribe not inconsistent with the duties and functions of the Zoning Commission and Zoning Board of Appeals under the General Statutes .

The Zoning Official shall have the duty of advising any office or agency concerning the effect of any action of said office or agency on the zoning regulations.

### **C. WETLANDS ENFORCEMENT OFFICIAL**

The Wetlands Enforcement Official shall have the duty of assisting and advising the Mayor, the Town Council, and the Inland Wetlands and Watercourses Commission on land-use matters and State laws and the inland wetlands and watercourses regulations, and perform such other duties as the Mayor may prescribe not inconsistent with the duties and functions of the Inland Wetlands and Watercourses Commission under the General Statutes.

The Wetlands Enforcement Official shall have the duty of advising any office or agency concerning the effect of any action of said office or agency on the inland wetlands and watercourses regulations.

**D. TOWN PLANNER**

The Town Planner shall have the duty of assisting and advising the Mayor, the Town Council, and the Planning Commission on planning and on a master plan of development and land use, and shall perform such other duties as the Mayor may prescribe not inconsistent with the duties and functions of the Planning Commission under the General Statutes.

The Town Planner shall have the duty of advising any office or agency concerning the effect of any action of said office or agency on the plan of development.

When authorized by ordinance, except as provided in Chapter V, Section 3, of this Charter, the Mayor shall appoint and may remove a Town Planner who shall be responsible to the Mayor.

**E. ECONOMIC DEVELOPMENT**

The Economic Development Coordinator shall have the duty of promoting economic development and ensuring that economic development projects are consistent with the Town's Plan of Conservation and Development and perform such other duties as the Mayor may prescribe not inconsistent with the duties and functions of the Economic Development Commission.

The Economic Development Coordinator shall be hired by the Mayor in consultation with the Economic Development Commission.

The Town Council, shall, by ordinance, establish an economic development commission consisting of seven (7) members that shall be appointed by the Mayor in accordance with the General Statutes. The Economic Development Commission shall be charged with establishing a comprehensive program to promote economic development in the Town of Ledyard and shall have such other powers and duties as prescribed by ordinance.

**SECTION 7. DEPARTMENT OF PUBLIC SAFETY**

The Department of Public Safety shall be responsible for the functions of Law Enforcement, Fire Safety, Emergency Medical Services, Civil Preparedness, and Emergency Management.

The Mayor as the Chief Executive of the Town is ultimately responsible for the safety of all within the Town of Ledyard, and the protection of life and property.

#### A. Director of Public Safety

The Mayor shall be the Director of Public Safety until such time as he appoints another to the position of Director of Public Safety.

The Director of Public Safety shall organize the work of the Department. He shall exercise his powers and discharge his duties under the supervision of the Mayor.

#### B. Law Enforcement Division

The Law Enforcement Division shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property, and enforcement of the laws of the State and the ordinances of the Town and all rules and regulations made in accordance therewith.

All police officers of the Division shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by general statutes, and as may be specified by Division rules and regulations.

The Mayor shall be the Chief of Police until the Town Council shall direct otherwise by ordinance.

The duties of the Municipal Animal Control Officer, as provided in the General Statutes, shall be supervised by this Department. The Chief of Police shall appoint a Municipal Animal Control Officer in accordance with Chapter V, Section 3, of this Charter and the provisions of the General Statutes.

The Chief of Police shall employ the number of police officers established by Town Ordinance, in accordance with such rules and regulations as may be adopted pursuant to the Classified Service provision in Chapter VIII of this Charter, and may remove such officers.

The police officers shall have the duties prescribed by State Law and such other powers and duties as prescribed by the Chief of Police, not conflicting with the forgoing

#### C. Fire Safety and Emergency Medical Services Division

The Fire Safety and Emergency Medical Services Division shall be responsible for the protection of life and property within the Town from fire and for the enforcement of all laws, ordinances, and regulations relating to fire prevention and safety, and for the provision of emergency medical services within the Town. The Administrator of Emergency Services shall work with the Public Safety Commission, the Fire Marshal,

volunteer fire departments, emergency medical services organizations, and agencies existing in the Town on the effective date of this Charter, until the Town Council shall direct otherwise by ordinance. The Town Council shall be represented on the boards or governing bodies of said volunteer fire departments, emergency medical services organizations, and agencies, in accordance with the provisions of this Charter.

The Mayor shall be the Administrator of Emergency Services until such time as he appoints another to the position of Administrator of Emergency Services.

The Administrator of Emergency Services shall exercise his power and discharge his duties under the supervision of the Director of Public Safety.

#### D. Director of Civil Preparedness and Emergency Management

For the protection of life and property from weather, technical, and hazardous materials emergencies within the Town, the Mayor shall appoint, and may remove, in accordance with the provisions of the General Statutes, a local director of civil preparedness and emergency management. The Director of Civil Preparedness and Emergency Management shall have those powers and duties provided in the General Statutes, except as otherwise provided in this Charter, and shall have such other powers and duties as the Town Council may prescribe by ordinance or resolution.

The Director of Civil Preparedness and Emergency Management shall report to the Director of Public Safety, and shall be responsible for the development and maintenance of the Town emergency operations plan.

The Director of Civil Preparedness and Emergency Management will work with the Administrator of Emergency Services, Public Safety Commission, industry representatives, and other agencies in the Town to establish a local emergency planning committee to address emergency response issues within the Town.

#### E. Public Safety Commission

The Public Safety Commission shall be responsible for advising and assisting the Director of Public Safety in the planning and budgeting of public safety services for the Town. The Commission shall consist of nine members and include the: Town Fire Marshal; Ledyard Fire Company chief; Gales Ferry Volunteer Fire Company chief; Town Resident State Trooper or Chief of Police; Director of Civil Preparedness and Emergency Management; President of the Ledyard Volunteer Emergency Squad; Administrative Supervisor of the Ledyard Regional Visiting Nurse Agency; one school safety member nominated by the Board of Education; and the Administrator of Emergency Services.

## **SECTION 8. DEPARTMENT OF PUBLIC HEALTH**

The Department of Public Health shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on directors of public health and such other powers and duties as the Town Council may prescribe by ordinance.

### **A. Director of Public Health**

The Mayor, subject to the provisions of the General Statutes relating to the appointment of directors of public health, shall appoint a Director of Public Health or contract with an entity (e.g., a health district) to provide public health services to the Town of Ledyard.

## **SECTION 9. DEPARTMENT OF SOCIAL SERVICES**

The Department of Social Services shall have all the powers and responsibilities for the administration of social human services and resources in the Town in accordance with the provisions of the General Statutes, , and shall have such other powers and duties as may be prescribed by ordinance or resolution of the Town Council.

There shall be a Social Services Board consisting of a minimum of six (6) members appointed by the Mayor.

The Board, if so established, shall advise the Mayor regarding the appointment and removal of a Director of Social Services. The Board shall advise and assist the Director who shall be the administrative head of the Department.

The Director of Social Services shall be charged with the creation and implementation of policies and programs to fulfill the responsibilities of the Department of Social Services and as may be prescribed in the Connecticut General Statutes.

## **SECTION 10. DEPARTMENT OF NURSING SERVICES**

There shall be a Nursing Services Board consisting of at least the minimum number of members mandated by Town ordinance, appointed by the Mayor. The Board shall implement the programs of the local, State and Federal departments of health, in cooperation with the Director of Health.

The Nursing Services Board shall have such powers and duties as prescribed by law and by ordinance of the Town Council.

The Board shall advise the Mayor who in turn shall appoint, and may remove, the Administrative Supervisor of the Ledyard Regional Visiting Nurse Agency, subject to such rules and regulations as may be adopted pursuant to the provisions of this Charter. The Board shall advise and assist the Administrative Supervisor who shall be the administrative head of the Department.

## **SECTION 11. ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall have such powers and duties as are or may be imposed or vested by the General Statutes, upon zoning boards of appeal.

There shall be five (5) members and three (3) alternate members of the Zoning Board of Appeals. Members in office on the effective date of this Charter or revision thereto shall be continued in office until their term expires.

Thereafter, the Mayor shall fill vacancies on the Zoning Board of Appeals from whatever cause arising, in the manner, for the terms, and with all the powers and duties, not inconsistent with this Charter, as prescribed by the General Statutes, or by ordinance adopted pursuant to this Charter.

## **SECTION 12. OFFICIAL BONDS**

The Mayor, Town Clerk, Director of Finance, Treasurer and agent of the Town deposit fund, Deputy Treasurer, Tax Collector, Director of Public Works, Chief Building Code Official, and such other officers and employees as may be required to do so by the Town Council, shall before entering on their respective official duties, execute to the Town, in the form prescribed by the Town Council and approved by the Town Attorney, and shall file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Town Council, conditioned upon honesty and/or the faithful performance of such official duties.

Nothing herein shall be construed to prevent the Town Council if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, schedule position bond, or blanket bond, or from prescribing which department, offices, agencies, boards, or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

## **SECTION 13. SALARIES**

Salaries of all directors and of all employees in the classified service of the Town shall be determined by the Town Council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the Mayor, provided nothing herein shall be construed to limit the power of the Board of Education to fix compensation of the professional employees of the school system.



## **CHAPTER VII:**

### **FINANCE AND TAXATION**

#### **SECTION 1. GENERAL FORM AND BUDGET PRESENTATION**

The Mayor shall require each department, office, or agency of the general government of the Town, supported wholly or in part by Town funds, or for which a specified Town appropriation is made, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities, and work accomplished during the current year and to be accomplished during the ensuing year, and an estimate of those programs for the next five years. All such data as heretofore referred to in this section will be forwarded to the Town Council by the Mayor at the time of submitting his budget.

The Board of Education shall annually prepare a budget submission to include the information required by the Town Council. The Board of Education budget will be submitted via the Mayor so that the budget document submitted to the Town Council represents the total fiscal requirements of the Town. The timing of the budget submission is discussed in Section 4 below.

#### **SECTION 2. DEPARTMENTAL ESTIMATES**

The Mayor shall compile preliminary estimates for the proposed general government annual budget. The head of each department, office, or agency of the Town as described in Section 1 of this chapter shall file with the Mayor, on forms prescribed by and provided by the Mayor, a detailed estimate of the expenditures to be made by his department, office, or agency, and the revenue other than tax revenues, to be collected thereby in the ensuing fiscal year, and such other information as may be required by the Town Council or the Mayor.

All preliminary estimates of the general government budget shall be filed with the Mayor by the third Monday of January.

#### **SECTION 3. DUTIES OF THE MAYOR ON THE BUDGET**

The Mayor shall review departmental estimates submitted and may revise them as he may deem advisable.

The Mayor shall submit to the Town Council, and file with the Town Clerk, a proposed general government budget no later than the first Monday in March. Likewise he shall submit to the Town Council, and file with the Town Clerk, the proposed Board of Education budget no later than the first Monday of March. Such proposed budgets shall be in a standard format as specified by the Town Council and shall consist of at least the following:

A. A budget message outlining the financial policy of the Town government and describing the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents.

B. Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus.

C. Itemized expenditures, presented in a standard format as specified by the Town Council, including the actual expenditures for each department, office, agency or activity, including the Board of Education, for the last completed fiscal year and the current fiscal year to date, the total expenditures as estimated for the current fiscal year, and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items (other than Board of Education line items), and such other information as may be required by the Town Council.

As a part of the proposed budget the Mayor shall present a program, previously considered and acted upon by the Town Planning Commission in accordance with the General Statutes, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the five fiscal years thereafter, including an estimated cost of such improvements and projects. The Mayor shall recommend those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

In the event that the Mayor is unable to submit a proposed annual budget by the date specified in this section, the Town Council shall request and receive from the head of each Town office, department, board, or agency, such information as is necessary to construct a preliminary budget, which shall be filed with the Town Clerk, and which shall be considered by the annual Town Meeting should the Town Council fail to present a budget.

#### **SECTION 4 DUTIES OF THE BOARD OF EDUCATION ON THE BUDGET**

The Board of Education shall require the Superintendent of Schools to prepare a budget proposal for the ensuing fiscal year. This budget document shall contain the information requested by the Town Council and shall be in a format that is compatible with the budget submission for the general government.

The Board of Education shall include in its budget submission the latest revenue figures for the current fiscal year and the best estimates of education-related revenue sources for the ensuing fiscal year.

The Board of Education shall participate in the review of municipal improvements and capital projects that is conducted by the Mayor and the Planning Commission during the budget preparation process so that the Board's capital needs are reflected in a unified list of projects for the Town.

The Board of Education shall specify the date of submission for the budget proposal developed by the Superintendent of Schools. This date will be early enough to permit a thorough review of the proposed budget and any modifications to the draft budget that are deemed necessary. The Board of Education shall submit its final budget proposal to the Mayor no later than the fourth Monday in February in order for it to be included in the Mayor's budget submission.

#### **SECTION 5. DUTIES OF THE TOWN COUNCIL ON THE BUDGET**

The Town Council shall by resolution adopt and may modify a standard budget format for the Town.

Following receipt of the proposed annual budget submitted by the Mayor, the Town Council shall confer with the Mayor, all department heads, boards, and any others deemed necessary for the understanding and fair consideration of the requested appropriations and sundry resolutions.

The Town Council shall have the power to revise any of the proposed budget items. After formation of a preliminary budget, the Town Council shall provide sufficient copies of said budget for general distribution in the office of the Town Clerk, and shall conduct one or more public hearings on or before the last Monday of April. The Town Council shall then prepare a budget for recommendation to the annual Town Meeting and shall file said budget with the Town Clerk no later than the first Monday of May.

Sufficient copies of said annual budget shall be made available for general distribution in the office of the Town Clerk, and at least five (5) days prior to said annual Town Meeting the Town Clerk shall cause to be published in a newspaper having circulation in the Town, a summary of the proposed budget showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the format prescribed by the Town Council for budget estimates, and shall also show the estimated amount to be raised by taxation as well as the estimated mil rate necessary to meet the amount to be raised by taxation.

The proposed annual budget shall become effective when approved by the annual Town Meeting as provided in this chapter and an official copy shall be filed with and certified by the Town Clerk.

The resolution adopting the budget shall contain in detail the budget recommended by the Town Council as filed with the Town Clerk. Following adoption of the budget by the annual Town Meeting, the Town Council shall, prior to the first day of July, fix the tax rate in mills which shall be levied on taxable property in the Town for the ensuing fiscal year.

For the purposes of the General Statutes, the Town Council shall be deemed to be the budget making authority and the legislative body of the Town and shall have all the powers and duties contained therein for the creation of a "Reserve Fund for Capital and Non-Recurring Expenditures", and shall have the power to select the independent public accountant as provided in this Charter.

In the event that the Town Council fails to file a recommended budget by the first Monday of May, the Town Clerk shall publish, according to the above procedure, the budget as transmitted by the Mayor in accordance with the provisions of Section 3 of this chapter.

Should the Town Council fail to fix the tax rate within the time required herein, the tax rate shall be fixed by the Mayor and shall not exceed the annual budget requirements as approved by the annual Town Meeting.

## **SECTION 6. ANNUAL TOWN MEETING**

The annual Town Meeting for the consideration of the budget and the transaction of other business shall be held on the third Monday of May at such hour and at such place as the Town Council shall determine.

The Town Meeting(s) may not alter the amount of any appropriation recommended by the Town Council. The vote of the Town meeting on the annual budget shall be adjourned to a vote on the voting machines the day following the Town Meeting in the same manner as outlined in Chapter VII, Section 9D and, if approved by a majority of those voting hereon, shall be deemed to be the vote of the Town Meeting.

The Town Meeting may, by failing to approve the budget presented at referendum, refer the entire budget back to the Town Council for further consideration and changes.

Should the referendum on the budget refer the budget back to the Town Council, the Town Council shall reconsider the budget and present it for a second vote on the voting machines two weeks following the previous referendum.

Should the second referendum on the budget again refer the budget back to the Town Council, the Town Council shall reconsider the budget and present it for a third vote on the voting machines two weeks following the previous referendum.

In the event that the third referendum does not approve a budget, the Town Council shall adopt a final budget by the fourth Monday in June. Should both the referenda and the Town Council fail to approve a final budget by the fourth Monday in June, the budget most recently approved by the Town Council shall be deemed to have been adopted, and expenditures made in accordance therewith for the ensuing fiscal year.

### **SECTION 7. ADVISORY QUESTIONS**

The initial annual budget referendum may be used to place non-binding advisory questions on the voting machines.

A. The questions may invite opinions on the proposed annual budget or they may invite opinions that could aid the town government on any issue.

B. Advisory questions may be proposed by petition of at least 100 town electors or by the written request of at least two of the elected town officers listed in Chapter II Section 3.

C. Proposed advisory questions shall be submitted to the Town Clerk at least 30 days in advance of the initial budget referendum. The Town Council may place advisory questions on subsequent referenda.

D. The questions shall be clear and concise. They shall be written in neutral language. They shall be written as affirmative statements so that double negatives will be avoided. The Town Clerk, at his sole discretion, may revise the wording of the questions in order to promote clarity, conciseness, and fairness. If two or more questions are submitted which pertain to the same general issue, the Town Clerk may combine them into one fairly worded question.

E. Proposed advisory questions shall be published as part of the legal notice for the annual budget referendum.

F. Additional proposed advisory questions shall be placed on the voting machines for each additional annual budget referendum provided that the above requirements are met, and that the Town Attorney certifies that the subject of each question is within the authority of the Town of Ledyard.

## **SECTION 8. TOWN MEETING PROCEDURE**

All Town meetings, including the annual Town Meeting, shall be called to order by the Chairman of the Town Council, or in his absence, by the Town Clerk.

A moderator shall be elected and all business conducted in the manner now or hereafter provided by the General Statutes except as otherwise provided in this Charter.

The Town Clerk shall serve as clerk of all Town meetings, but in his absence an acting clerk may be designated by the meeting.

## **SECTION 9. FINANCIAL POWERS**

A. Any resolution making a non-budgeted appropriation of less than one (1) percent of the current tax levy shall become effective after approval by the Town Council, provided that the Director of Finance certifies that there are available unappropriated general fund resources in excess of the proposed appropriation.

Such appropriations shall not exceed accumulatively two (2) percent of the current tax levy in the current fiscal year.

B. Any appropriation in excess of the limitations in Section 9A above shall become effective only after it has been approved by resolution of the Town Council and adopted at a Town meeting by a majority vote of the qualified voters present and voting.

Any resolution making a non-budgeted appropriation of more than one (1) percent of the current tax levy, but less than five (5) percent for any purpose, any resolution authorizing the issuance of bonds or notes or other borrowing of less than five (5) percent of the current tax levy, except notes in anticipation of taxes to be paid within the fiscal year in which issued, and any sale or purchase of real estate or interest therein shall become effective only after it has been approved by the Town Council and adopted at a Town meeting by a majority vote of the qualified voters present and voting at such meeting.

The Town Meeting shall not act upon any proposal for the sale or purchase of real estate or any interest therein, or the issuance of bonds or other borrowing, except upon the recommendation of the Town Council; nor act upon any appropriation which has not been acted upon by the Town Council, unless the same shall have been before the Town Council for sixty (60) days without action.

C. No Town Meeting shall increase the amount of any bond issue or appropriation above the amount recommended by the Town Council, or make any appropriation not recommended by the Town Council.

D. After the same has been approved by the Town Council, any non-budgeted appropriation of more than five (5) percent of the current tax levy, and any resolution authorizing the issuance of bonds or notes in excess of five (5) percent of the current tax levy, shall be placed on the call of a Town meeting. After completion of other business and after reasonable discussion on such appropriation or resolution, the moderator of such meeting shall adjourn the meeting to reconvene not less than seven (7) nor more than fourteen (14) days thereafter as provided in the General Statutes,, and such appropriation or resolution shall become effective only after it has been submitted to persons qualified to vote in such meeting for a "yes" or "no" vote on the voting machines. At the closing of the polls the moderator shall cause the vote to be counted, and any such appropriation or resolution shall, if approved by a majority of those voting thereon, be deemed to be a vote of the Town Meeting.

#### **SECTION 10. EMERGENCY APPROPRIATIONS**

For the purpose of meeting public emergencies threatening the lives, health, or property of citizens, emergency appropriations, the accumulative amount of which shall not exceed one (1) percent of the current tax levy in any one fiscal year, may be made upon the recommendation of the Mayor and by a vote of not less than six (6) affirmative votes of the Town Council. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided as specified in Section 9 of this chapter.

#### **SECTION 11. TAX BILLS**

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with the provisions of the General Statutes.

#### **SECTION 12. ASSESSMENT AND COLLECTION OF TAXES**

Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried out as provided in the General Statutes of the State.

#### **SECTION 13. EXPENDITURES AND ACCOUNTING**

A. No purchase shall be made by any department, board, commission, or officer of the Town, other than the Board of Education, except through the Purchasing Agent. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

B. No voucher, claim, or charge against the Town shall be paid until the same has been audited by the Director of Finance or his agent and approved by the Director of Finance or his agent and approved by him for correctness and validity.

Payment of all approved claims shall be authorized by the Director of Finance, which authorization shall be valid when countersigned by the Treasurer, provided, in the absence or inability to act of either the Director of Finance or Treasurer, the Mayor may be authorized to substitute temporarily for either but not both of them.

C. The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the Town shall pay the same to the Town Treasurer.

D. The several departments, commissions, officers, and boards of the Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated for each designated line item until the matter has been approved by the Town Council, and each order drawn upon the Treasurer shall state the department, commission, board, or officer and the appropriate line item against which it is to be charged.

E. Upon request transmitted by the Mayor, but only within the last three (3) months of the fiscal year, the Town Council may by resolution transfer any unencumbered appropriation, balance, or portion thereof from one department, commission, board, or office to another.

No transfer shall be made from any appropriations for debt service and other statutory charges.

At any time the administrative head of any department may transfer any unencumbered amount whose cumulative total shall not exceed ten (10) percent of the annual appropriation for that department.

The Town Council shall be informed monthly as to the status of transfers.

F. Appropriations for construction, for other permanent improvements, or for special purposes, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance on the appropriation therefore.

G. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse and this shall not apply to Paragraph F immediately preceding.

H. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received.



If any person or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action shall be cause for his removal.

#### **SECTION 14. BORROWING**

The Town shall have the power to incur indebtedness by issuing its bonds and notes as provided by General Statute subject to the limitations thereof. No notes or bonds shall be made payable upon demand. Any note may be subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

#### **SECTION 15. CONTRIBUTIONS**

The Town shall make no contributions to any organization or private corporation unless so authorized by General Statutes except as otherwise provided in this Charter. No such contribution of more than five hundred (\$500.00) dollars shall be made to any such organization or corporation unless the Town is permitted voting representation on its board by one or more members nominated thereto by the Town Council.

#### **SECTION 16. EMINENT DOMAIN**

The taking of private property by eminent domain by the Town for public use, including economic development, shall be approved by a two-thirds vote on a resolution of the Town Council and a simple majority vote at a referendum, in which at least 15% of the registered voters participate, called and conducted in accordance with this charter.

## **CHAPTER VIII: THE CLASSIFIED SERVICE**

### **SECTION 1. CLASSIFIED SERVICE ESTABLISHED**

A Classified Service for Town employees shall be maintained in accordance with this chapter.

All selections and promotions to positions in the Classified Service of the Town as described in Section 2 of this chapter shall be made in accordance with the collective bargaining agreements.

### **SECTION 2. THE CLASSIFIED SERVICE**

The Classified Service shall include all full and part-time members of collective bargaining units. The Classified Service SHALL NOT include: elected officers and persons appointed to fill elective office vacancies; officers appointed by the Town Council; Town Attorney; Director of Emergency Management; those positions covered by the Town Council Resolution Establishing Administrator/Department Head Benefits; all part-time temporary or seasonal employees; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; persons employed for a temporary and special inquiry, study, or investigation; and superintendents, principals, teachers, and all non-certified employees in the school system of the Town. All non-certified employees in the school system may be included in the classified service by request of the Board of Education and upon approval by the Town Council.

It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities (Position Description) for each position in the Classified Service including the minimum qualifications for such position. These statements shall comprise the classification plan of the Town which shall become effective upon approval by the Town Council and which may be amended, upon recommendation of the Mayor, by the Town Council. New or additional positions in the Classified Service may be created and changes in the duties and responsibilities of existing positions may be made by the Town Council upon the recommendation of the Mayor.

It shall be the duty of the Mayor to cause to be prepared annually as part of his budget submittal a pay plan for all positions not in the classified service.

The Mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, hours of work, vacations, sick leaves, probationary periods of employment, and other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of Town employees. These rules shall apply to all employees provided the subject of the rule is not covered in a

collective bargaining agreement. Such rules and any amendments thereto shall become effective upon being approved by the Town Council and filed by the Mayor with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

### **SECTION 3. RETIREMENT OF TOWN EMPLOYEES**

The Town Council may provide by ordinance retirement plans for the Town's regular full-time paid employees. If the retirement plans include a Town pension fund, then said Town Council may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the General Statutes.

The Town may enter into a contract with any insurance company authorized to do business in the State for the purpose of insuring the whole or any part of its retirement plan, may elect to participate in the Connecticut municipal employee's retirement fund or elect to participate in the Old Age and Survivor's Insurance system under Title II of the Social Security Act, in accordance with the provisions of the General Statutes, or may elect any combination thereof. Nothing in this section would require the Town to maintain a defined benefit retirement plan.

## **CHAPTER IX:**

### **TRANSITION AND MISCELLANEOUS PROVISIONS**

#### **SECTION 1. TRANSFER OF POWERS**

The powers which are conferred and the duties which are imposed upon any commission, board, department, or office under the General Statutes, or any ordinance or regulations in force at the time this Charter shall take effect, if such commission, board, department, or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

All commissions, boards, departments, or offices abolished by this Charter, whether elective or appointive, shall continue in their performance of their duties until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

All appointive powers now or hereafter conferred by the General Statutes upon boards of selectmen shall be exercised by the Town Council unless otherwise specifically provided in this Charter.

#### **SECTION 2. PRESENT EMPLOYEES TO RETAIN POSITIONS**

All persons holding positions in the service of the Town on the effective date of this Charter, whose positions are included in the classified service by terms of this Charter, shall become members of the classified service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this Charter.

All other employees of the Town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Mayor, the Town Council, or the appropriate officer charged by this Charter with powers of appointment and removal.

Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights, or any other right or privileges of employees of the Town, or any office, department, or agency thereof; shall continue in effect until or unless amended or repealed in accordance with the provisions of this Charter.

### **SECTION 3. TRANSFER OF RECORDS AND PROPERTY**

All records, property, and equipment whatsoever of any commission, board, department, or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department, or office by this Charter, shall be transferred and delivered intact to the commission, board, department, or office to which such powers and duties are so assigned.

If part of the powers and duties of any commission, board, department, or office or part thereof, are by this Charter assigned to another commission, board, department, or office, all records, property, and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department, or office to which such powers and duties are so assigned.

### **SECTION 4. LEGAL PROCEEDINGS**

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, department, or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that the functions, powers, and duties of any commission, board, department, or officer party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department, or officer, but in that event the same may be prosecuted or defended by the head of the commission, board, department, or officer to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

### **SECTION 5. EXISTING LAWS AND ORDINANCES**

All general laws of the State of Connecticut applicable to the Town and all ordinances of the Town shall continue in full force and effect except insofar as they are inconsistent with the provisions of this Charter.

Except as specifically retained in this Charter, all portions of "An Act to Incorporate the Town of Ledyard" approved June 1, 1836, and all special laws amendatory thereto, and all other special laws relating to the Town of Ledyard, as the same were constituted prior to the effective date of this Charter, to the extent that their provisions are in conflict with those of this Charter, are repealed.

## **SECTION 6. CONFLICTS OF INTEREST**

Any elected or appointed officer or any employee of the Town who has a financial interest or personal benefit, direct or indirect, in any contract, transaction, or decision of any board or commission to which the Town is a party, shall disclose that interest to the appropriate board or commission and the Town Council, which shall record such disclosure upon the official record of its meetings. The Town Council may by ordinance specify what is or what is not a conflict of interest for officials and employees of the Town.

Willful violation by any such officer or employee of the provisions of this section shall be grounds for his removal. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision shall render the same voidable by the Town Council, or by a court of competent jurisdiction.

## **SECTION 7. REGIONALIZATION OF TOWN FUNCTIONS AND SERVICES**

Nothing in this charter is intended to prohibit the regionalization of the functions performed by appointed officials, provided that such a regional approach is not in conflict with the general statutes. Furthermore, if other Town services can be efficiently provided on a regional basis, collective bargaining agreements may be modified to permit a regional approach to providing such services, provided that there is no prohibition contained in the general statutes.

## **SECTION 8. AMENDMENT OF CHARTER**

This Charter may be amended in the manner prescribed in the General Statutes.

## **SECTION 9. SAVINGS CLAUSE**

If any provision of this Charter is held to be invalid, such holding shall not be deemed to invalidate the remaining provisions thereof.

## **SECTION 10. RATIFICATION**

This Charter was originally submitted for approval to the electors of the Town of Ledyard on November 3, 1970 and was approved on that date in accordance with the provisions of the general statutes.

The question of the ratification of the 2009 amendments to this Charter shall be submitted to the electors of the Town of Ledyard on November 3, 2009 and, if ratified, shall become effective on November 3, 2009.

**SECTION 11. EFFECTIVE DATE**

This Charter became effective on November 2, 1971 and was revised effective November 6, 1973; November 7, 1979; November 5, 1985; and November 5, 2002.

The amendments to this Charter, if ratified, shall become effective December 3, 2009.

All provisions of the Charter of the Town of Ledyard as adopted November 2, 1971, revised November 6, 1973, revised November 7, 1979; revised November 5, 1985; revised November 5, 2002; and revised November 3, 2009 are hereby confirmed.